

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MAJOR KENNETH MARKOVICH, :

: Plaintiff : CIVIL ACTION NO. 3:13-3096

: v. : (JUDGE MANNION)

PANTHER VALLEY SCHOOL
DISTRICT, R. MICKEY ANGST,
and ROSEMARY POREMBO

: Defendants :

O R D E R

In light of the memorandum issued this same day, **IT IS HEREBY ORDERED THAT** defendants PVSD and Porembo's motion to dismiss, (Doc. 12), is **GRANTED IN PART** and **DENIED IN PART**. The motion is **GRANTED** as to Count I, for discrimination under Title VII of the Civil Rights Act. Count I is **DISMISSED with prejudice**. The motion is **DENIED** as to Count II, the procedural due process claim. The motion is **GRANTED** as to Count III, the 5th and 14th amendment substantive due process claims, which are **DISMISSED with prejudice**. The 5th Amendment claim is **DISMISSED with prejudice**, while the 14th Amendment claim is **DISMISSED without prejudice**. The motion is **DENIED** as to Count IV, the breach of contract claim. The motion is **GRANTED** as to Count VII, the enterprise liability claim, which is **DISMISSED with prejudice**. The claims against Porembo in her official capacity brought pursuant to §1983 are **DISMISSED with prejudice**.

Plaintiff may amend his complaint to allege additional claims against PVSD and Porembo, provided he has a good fath basis to do so. Any such amendment must be filed on or before **August 15, 2014**.

Defendant Angst's motion to dismiss, (Doc. 30), is **GRANTED**. Counts V, VI, and VIII, the claims against Angst, are **DISMISSED with prejudice**.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: July 28, 2014

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